

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below next to my name;

I believe I am an original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BALL HITTING PRACTICE APPARATUS

the specification of which

☒ [X] is attached hereto

☐ [] was filed on _____ as
Application Serial No. _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

<u>(Number)</u>	<u>(Country)</u>	<u>(Filing Date)</u>	<u>[] []</u>
			Yes No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

<u>60/147,747</u>	<u>August 6, 1999</u>
(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>
--------------------------	----------------------	--

As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

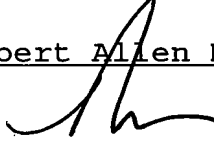
<u>Robert R. Jackson, Esq. (Reg. No. 26,183)</u>
<u>Jeffrey H. Ingerman, Esq. (Reg. No. 31,069)</u>
<u>Brett G. Alten, Esq. (Reg. No. 42,258)</u>

Send correspondence to: Brett G. Alten
FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1104

Direct telephone calls to: Brett G. Alten
(212) 596-9000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name
of first inventor Robert Allen Moss

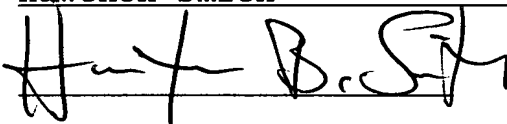
Inventor's
signature  7-25-00
Date

Residence 123 Richmond Hill Road, Unit 11
New Canaan, Connecticut 06840

Citizenship United States

Post Office Address 123 Richmond Hill Road, Unit 11
New Canaan, Connecticut 06840

Full name
of second inventor Hawthorn Smith

Inventor's
signature  7/25/2000
Date

Residence 19 Grove Street
South Norwalk, Connecticut 06854

Citizenship United States

Post Office Address 19 Grove Street
South Norwalk, Connecticut 06854

PATENT
MOSS

JCE:33 U.S. PTO
09/627146



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Robert Allen Moss et al.
Application No. : Not Yet Assigned
Filed : Concurrently Herewith
For : BALL HITTING PRACTICE APPARATUS
Group Art Unit : Not Yet Assigned

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

REQUEST FOR SMALL ENTITY STATUS
UNDER 37 C.F.R. § 1.27

Sir:

Pursuant to 37 C.F.R. § 1.27, applicants and assignee respectfully request Small Entity Status for the purpose of paying reduced fees in the above-identified patent application. A Verified Statement Claiming Small Entity Status - Small Business Concern, executed by applicant's assignee, is enclosed. (An assignment of the application to assignee is being submitted concurrently herewith for recording.)

Respectfully submitted,

Brett G. Alten
Reg. No. 42,258
Attorney for Applicants

FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel: (212) 596-9000
Fax: (212) 596-9090

Applicant or Patentee: Robert Allen Moss ET AL.
Serial or Patent No.: _____ Attorney Docket No.: MOSS-1
Filed or Issued: Concurrently herewith
For: BALL HITTING PRACTICE APPARATUS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ The owner of the small business concern identified below:
☒ An official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Solid Contact Baseball, Inc.
ADDRESS OF CONCERN 16 Forest Street, New Canaan, Connecticut 06840

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled BALL HITTING PRACTICE APPARATUS by inventors Robert Allen Moss et al. described in:

- ☒ The specification filed herewith.
☐ Application No. _____, filed _____.
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a

small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entitles. (37 C.F.R. 1.27)


NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING James C. Ackerly
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 364 Rowayton Ave, Rowayton CT 06853

SIGNATURE  DATE 26 Jul 2006